

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-9 are pending in this application. Claims 1-9 are currently amended. Claim 1 is the sole independent claim.

Applicant notes with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O., that the drawings filed March 23, 2005 have been accepted and that the references cited in the Information Disclosure Statement filed March 23, 2005 have been considered.

CLAIM OBJECTIONS

Claim 1 is objected to because it recites "decrypting this cryptogram the first device;" and the Examiner requires it be changed to read "decrypting this cryptogram in the first device."

Applicants respectfully submit that claim 1 was amended by way of a Preliminary Amendment filed along with the filing of the application to recite "decrypting the cryptogram with the first device," which Applicants believe does not contain any informality. Reconsideration and allowance of claim 1 is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection for the reasons detailed below.

Initially, Applicants respectfully note that the amendments to claims 1-9 have been carried out solely to overcome the rejection under 35 U.S.C. § 112, second paragraph. As such, these amendments to claims 1-9 are non-narrowing and have not been carried out to distinguish over the prior art of record. Applicants respectfully submit that currently amended claims 1-9 are substantially similar to the claims presented via the Preliminary Amendment filed March 23, 2005.

As shown in the preceding section, Applicants have amended claims 1-9 in an attempt to meet the requirements of 35 U.S.C. § 112, second paragraph. For example, the phrase “as such” has been deleted from claim 1, claim 1 has been amended to provide sufficient antecedent basis and claims 1-9 have been suitably amended to distinctly claim the subject matter which Applicants regard as the invention.

Applicants, therefore, respectfully request that the rejection of claims 1-9 under 35 U.S.C. § 112, second paragraph, be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

MARINO IN VIEW OF CANDELORE FURTHER IN VIEW OF TERA0

Claims 1-7 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent 6,026,165 to Marino et al. (“*Marino*”) in view of U.S. Patent Publication 2002/0041337 to Candelore (“*Candelore*”) in further view of U.S. Patent Publication 2001/0005682 to Terao et al. (“*Terao*.”) Applicants respectfully traverse this rejection for the reasons detailed below.

Claim 1 recites a pairing method between a first device and a second device comprising, *inter alia*, initiating a pairing procedure by **transmitting a cryptogram contained in the second device, and comprising an identifier belonging to the second device.** (Emphasis Added)

The Examiner asserts “a first device” of claim 1 upon receiver 6 of FIG. 1 of *Marino*, “an identifier” of claim 1 upon Device ID of FIG. 1 of *Marino* and “a second device” of claim 1 upon transmitter 9 of FIG. 1 of *Marino* and alleges that *Marino* renders the limitations of claim 1 obvious to one of ordinary skill in the art.

Applicants respectfully disagree. *Marino* teaches transmitting a data field 28, a Device ID field 30, a sequence number field 32 and a CRC field 34 to the receiver 6.¹ The data field 28 is sent in an encrypted format, but **the Device ID is loaded into the message in filed 30 in unencrypted format**. Further, upon receipt the decoder 13 of the receiver 6 searches its memory table 42 looking for a match of the **received (unencrypted) transmitter identification number Device ID**.² Namely, the Device ID in *Marino* is not transmitted in a cryptogram as required by independent claim 1.

Further, the data field 28 of *Marino* is encrypted by a “superkey,” which is a combination of a key randomly generated by a random generator 21 and a sequence number stored in the EEPROM 26. This superkey is also stored in the receiver 6 via a registration process. Namely, the superkey’s generated by the plurality of transmitters in *Marino* is not common to the receiver 6. The decoder 13 of the receiver 6 of *Marino* looks up the unencrypted Device ID and fetches the corresponding encryption key and stored sequence number from its memory. The decoder 13 uses the fetched key and sequence number as a “superkey” to decrypt the encrypted sequence number 32 from the received message. The decrypted new sequence number and the stored sequence number are compared to ascertain the validity of the data in the received message data field and a GO signal is generated. For these reasons, Applicants respectfully submit that *Marino* fails disclose, teach or fairly suggest “initiating a pairing procedure by transmitting a cryptogram contained in the second device, and comprising an identifier belonging to the second device, **the cryptogram being**

¹ *Marino*, Column 7, Lines 14-17

² *Id.*, Column 7, Lines 14-35 and Column 7 Line 66 - Column 8, Line 2

encrypted by a secret key common to all the first devices,... generating a pairing key based on the identifier,” as required by claim 1. (Emphasis Added)

Absent such teachings, Applicants respectfully submit that *Marino* fails to render the limitations of claim 1 obvious to one of ordinary skill in the art. *Candelore* and *Terao* fail to overcome the noted deficiencies of *Marino*. Therefore, the combination of *Marino*, *Candelore* and *Terao* (if combinable, not admitted) also fails to render the limitations of claim 1 obvious to one of ordinary skill in the art.

Applicants, therefore, respectfully request that the rejection to claims 1-7 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2-7, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

MARINO, CANDELORE AND TERA0 AND IN FURTHER VIEW OF TELLO

Claims 8-9 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. *Marino*, *Candelore*, and *Terao*, in further view of U.S. Patent 6,463,537 to Tello (“*Tello*”). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claims 8-9 are patentable over *Marino*, *Candelore*, and *Terao*, as discussed above, as *Marino*, *Candelore*, and *Terao* fails to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claims depend. Further, *Tello* would fail to overcome the noted deficiencies of *Marino*, *Candelore*, and *Terao* (if combinable, which is not admitted). Therefore, the combination of *Marino*, *Candelore*, and *Terao* and *Tello* fails to render the subject matter of claims 8-9 obvious to one of ordinary skill in the art.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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